

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES

Person
Preparing
Statement: Ashley Townsend Dept.: LA Department of Education
Board of Elementary &
Secondary Education

Phone: 225-342-3446 Office: Governmental, Admin., and Public Affairs

Return
Address: P.O. Box 94064 Rule
Baton Rouge, LA Title: Part CI. Bulletin 1508 -
Pupil Appraisal Handbook (LAC 28:CI.305,703,
and 725)

Date Rule
Takes Effect: Upon final adoption by BESE

SUMMARY

In accordance with Section 961 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There are no anticipated implementation costs or savings to state or local governmental units due to the proposed rule revisions. The revisions provide for additional screening requirements for certain students and modify vision impairment eligibility. The screenings are free, with the exception of the functional vision assessment kits. These kits can be acquired at no cost for temporary use from the Louisiana Accessible Educational Materials center.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

The proposed rule revisions will not have an effect on revenue collections of state or local governmental units.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NON-GOVERNMENTAL GROUPS (Summary)

There is no anticipated impact to small businesses or non-governmental groups as a result of the proposed rule revisions. Students experiencing vision impairment may receive additional supports as a result of this measure, and school or system-level personnel may experience additional workload related to conducting screenings and participating in training. This impact is indeterminable but likely to be minimal.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

The proposed rule revisions will not have an effect on competition and employment.

Beth Scioneaux
Signature of Agency Head or Designee

Beth Scioneaux, Deputy Superintendent for Management and Finance
Typed Name & Title of Agency Head or Designee

4.4.23
Date of Signature

Evan Brasel, Interim Deputy
Legislative Fiscal Officer or Designee *Fiscal Officer*

4/5/23
Date of Signature

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The proposed rule revisions provide for additional screening requirements for certain students and modify vision impairment eligibility.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

Act 302 of the 2022 Regular Legislative Session amended the Blind Persons' Literacy Rights and Education Act to provide for individualized assessment, planning, and supports in addition to amending definitions. The LDOE collaborated with the Louisiana Special Education Advisory Panel, parents of children with visual impairments, and the United States Department of Education Office of Special Education Programs to develop the language included in the proposed rule revisions.

- C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

No.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

(a) _____ Yes. If yes, attach documentation.

(b) _____ NO. If no, provide justification as to why this rule change should be published at this time

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

The proposed rule revisions will have no effect on costs or savings to state agencies.

COSTS	FY 23	FY 24	FY 25
Personal Services	0	0	0
Operating Expenses	0	0	0
Professional Services	0	0	0
Other Charges	0	0	0
Equipment	0	0	0
Major Repairs & Constr.	0	0	0
TOTAL	0	0	0
POSITIONS (#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There are no estimated costs or savings to state agencies as a result of the proposed rule revisions.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 23	FY 24	FY 25
State General Fund	0	0	0
Agency Self-Generated	0	0	0
Dedicated	0	0	0
Federal Funds	0	0	0
Other (Specify)	0	0	0
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Not applicable.

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

Adjustments to screening protocols will be necessitated by this measure. School system pupil appraisal teams will implement the new criteria with new evaluations or re-evaluations upon final adoption as rule. The LDOE currently partners with the Louisiana Accessible Educational materials center (LA-AEM) and vision impairment experts around the state to provide professional development and consultation support for systems and students as needed. LA-AEM has proactively launched training and is providing functional vision assessment tools to systems. This training and provision of resources will continue as needed to support implementation, alongside the training offered by the LDOE Office of Diverse Learners.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

The proposed rule revisions will not impact sources of funding of local governmental units.

FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

The proposed rule revisions will not have an effect on revenue collections of state or local governmental units.

REVENUE INCREASE/DECREASE	FY 23	FY 24	FY 25
State General Fund	0	0	0
Agency Self-Generated	0	0	0
Dedicated Funds*	0	0	0
Federal Funds	0	0	0
Local Funds	0	0	0
TOTAL	0	0	0

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

Not applicable.

**FISCAL AND ECONOMIC IMPACT STATEMENT
WORKSHEET**

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS, SMALL BUSINESSES, OR NONGOVERNMENTAL GROUPS

- A. What persons, small businesses, or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

No impact to small businesses or non-governmental groups is anticipated as a result of the proposed rule revisions. Students experiencing vision impairment may receive additional supports as a result of this measure, and school or system-level personnel may experience additional workload in the form of associated trainings and conducting screenings. This impact is indeterminable but likely to be minimal.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

Not applicable.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule revisions are not anticipated to have an impact on competition and employment.

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
FAMILY IMPACT STATEMENT
(LA R.S. 49:953 and 972)

Person Preparing Statement: Ashley Townsend
Phone: 225-342-3446
Division: Governmental, Administrative, and Public Affairs
Rule Title: Part CI. Bulletin 1508– Pupil Appraisal Handbook (LAC 28:CI.305, 703, and 725)

In accordance with Section 953 and 974 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Family Impact Statement on the rule proposed for adoption, repeal or amendment. All Family Impact Statements shall be kept on file in the State Board Office which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records.

PLEASE RESPOND TO THE FOLLOWING:

- I. WILL THE PROPOSED RULE AFFECT THE STABILITY OF THE FAMILY?
☒ No
☐ Yes
☐ Lacks sufficient information to determine
2. WILL THE PROPOSED RULE AFFECT THE AUTHORITY AND RIGHTS OF PARENTS REGARDING THE EDUCATION AND SUPERVISION OF THEIR CHILDREN?
☒ No
☐ Yes
☐ Lacks sufficient information to determine.
3. WILL THE PROPOSED RULE AFFECT THE FUNCTIONING OF THE FAMILY?
☒ No
☐ Yes
☐ Lacks sufficient information to determine
4. WILL THE PROPOSED RULE AFFECT FAMILY EARNINGS AND FAMILY BUDGET?
☒ No
☐ Yes
☐ Lacks sufficient information to determine
5. WILL THE PROPOSED RULE AFFECT THE BEHAVIOR AND PERSONAL RESPONSIBILITY OF CHILDREN?
☒ No
☐ Yes
☐ Lacks sufficient information to determine
6. IS THE FAMILY OR A LOCAL GOVERNMENT ABLE TO PERFORM THE FUNCTION AS CONTAINED IN THE PROPOSED RULE?
☐ No
☒ Yes
☐ Lacks sufficient information to determine

Signature of Contact Person: Ashley Townsend

Date Submitted: 3-30-2023

STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
POVERTY IMPACT STATEMENT
(LA R.S. 49:973)

Person Preparing Statement: Ashley Townsend

Phone: 225-342-3446

Division: Governmental, Administrative, and Public Affairs

Rule Title: Part CI. Bulletin 1508– Pupil Appraisal Handbook (LAC 28:CI.305, 703, and 725)

In accordance with Section 973 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a Poverty Impact Statement on the rule proposed for adoption, amendment, or repeal. All Poverty Impact Statements shall be in writing and kept on file in the state agency which has adopted, amended, or repealed a rule in accordance with the applicable provisions of the law relating to public records. For the purposes of this Section, the word "poverty" means living at or below one hundred percent of the federal poverty line.

PLEASE RESPOND TO THE FOLLOWING:

I. WILL THE PROPOSED RULE AFFECT THE HOUSEHOLD INCOME, ASSETS, AND FINANCIAL SECURITY?

- ☒ No
☐ Yes
☐ Lacks sufficient information to determine

2. WILL THE PROPOSED RULE AFFECT EARLY CHILDHOOD DEVELOPMENT AND PRESCHOOL THROUGH POSTSECONDARY EDUCATION DEVELOPMENT?

- ☒ No
☐ Yes
☐ Lacks sufficient information to determine

3. WILL THE PROPOSED RULE AFFECT EMPLOYMENT AND WORKFORCE DEVELOPMENT?

- ☒ No
☐ Yes
☐ Lacks sufficient information to determine

4. WILL THE PROPOSED RULE AFFECT TAXES AND TAX CREDITS?

- ☒ No
☐ Yes
☐ Lacks sufficient information to determine

5. WILL THE PROPOSED RULE AFFECT CHILD AND DEPENDENT CARE, HOUSING, HEALTH CARE, NUTRITION, TRANSPORTATION, AND UTILITIES ASSISTANCE?

- ☒ No
☐ Yes
☐ Lacks sufficient information to determine

Signature of Contact Person: Ashley Townsend

Date Submitted: 3-30-2023

Small Business Statement

The impact of the proposed Rule on small businesses as defined in the Regulatory Flexibility Act has been considered. It is estimated that the proposed action is not expected to have a significant adverse impact on small businesses. The agency, consistent with health, safety, environmental and economic welfare factors has considered and, where possible, utilized regulatory methods in the drafting of the proposed rule that will accomplish the objectives of applicable statutes while minimizing the adverse impact of the proposed rule on small businesses.

Provider Impact Statement

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments via the U.S. Mail until noon, May 10, 2023, to Shan N. Davis, Executive Director, Board of Elementary and Secondary Education, Box 94064, Capitol Station, Baton Rouge, LA 70804-9064. Written comments may also be hand delivered to Shan Davis, Executive Director, Board of Elementary and Secondary Education, Suite 5-190, 1201 North Third Street, Baton Rouge, LA 70802 and must be date stamped by the BESE office on the date received. Public comments must be dated and include the original signature of the person submitting the comments.

Shan N. Davis
Executive Director

NOTICE OF INTENT

Board of Elementary and Secondary Education

(LAC 28:CI.305, 703, and 725)

In accordance with the provisions of R.S. 17:6(A)(10) and the Administrative Procedure Act (APA), R.S. 49:953(B)(1) et seq., the Board of Elementary and Secondary Education proposes to amend LAC 28:CI in *Bulletin 1508 – Pupil Appraisal Handbook*. The proposed revisions provide additional screening requirements for certain students and modify vision impairment eligibility in alignment with legislation of the Louisiana 2022 Regular Legislative Session and federal guidelines.

TITLE 28

EDUCATION

Bulletin 1508 – Pupil Appraisal Handbook

Part CI. Bulletin 1508–Pupil Appraisal Handbook

Chapter 3. Interventions and Screenings

§305. Screening Activities

A. – B.2.c. ...

d. If the student's medical history indicates a neurological insult or neurological impairment, the student must be screened for Cerebral/Cortical Visual Impairment.

B.3. – C.2. ...

3. A review of developmental and medical/health history for evidence of premature birth, history of extended stay in NICU following birth, history of prenatal, natal, or postnatal neurologic insult, and/or history of genetic assessment for syndromic diagnosis.

D. – J.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:898 (May 2009), effective July 1, 2009, amended LR 42:400 (March 2016); LR 49:

Chapter 7. Disabilities

§703. Deaf-Blindness

A. – A.1.

B. Criteria for Eligibility. Evidence of criteria listed in Paragraphs 1, 2, and 3 are required.

1. Vision impairment in accordance with §725 of this Chapter.

2. Deaf and/or hard of hearing in accordance with §709 of this Chapter.

3. – D.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:905 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 49:

§725. Visual Impairment

A. – A.1. ...

B. Criteria for Eligibility. Evidence of 1 of the criterion listed below must be met:

1. visual impairment or loss of vision identified by a functional vision assessment which adversely interferes with the ability to perform academically and which requires the use of specialized textbooks, techniques, materials, or equipment; or

2. – 4. ...

5. other blindness resulting from a medically documented condition that could include bilateral dysfunction of the optic radiations, the visual cortex, or both, and may coexist with ocular and ocular motor disorders and may include, but not be limited to, the result of trauma or perinatal brain dysfunction.

C. – E.1. ...

2. the educational assessment shall include:

a. a braille skills inventory, commensurate with grade level literacy and math standards in accordance with R.S. 17:24.4(A)(4) including a functional vision assessment of the degree to which the student utilizes vision to operate within the educational environment performed by a certified teacher of the blind or visually impaired or an orientation and mobility specialist;

b. a research-based learning media assessment to determine the student's needs in appropriate reading and writing media including an assessment of the student's future needs for instruction in Braille or the use of Braille and a statement of the student's strengths and needs. For the student who is a non-reader, learning medium assessment would involve systematic examination of how he/she obtains information through visual, tactile, or auditory methods;

3. – 5. ...

6. If necessary, a low vision assessment centered on how the student uses vision on a daily basis to determine if the student would benefit from optical devices, such as monocular telescopes or magnifiers. As appropriate, visual acuity, visual fields, and color vision shall be assessed.

F.

...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:914 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 49:

COMPARISON DOCUMENT

TITLE 28

EDUCATION

Bulletin 1508 – Pupil Appraisal Handbook

Part CI. Bulletin 1508–Pupil Appraisal Handbook

Chapter 3. Interventions and Screenings

§305. Screening Activities

A. – B.2.c. ...

d. If the student's medical history indicates a neurological insult or neurological impairment, the student must be screened for Cerebral/Cortical Visual Impairment.

B.3. – C.2. ...

3. A review of developmental and medical/health history for evidence of premature birth, history of extended stay in NICU following birth, history of prenatal, natal, or postnatal neurologic insult, and/or history of genetic assessment for syndromic diagnosis.

D. – J.4. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:898 (May 2009), effective July 1, 2009, amended LR 42:400 (March 2016); LR 49:

Chapter 7. Disabilities

§703. Deaf-Blindness

A. – A.1. ...

B. Criteria for Eligibility. Evidence of criteria listed in Paragraphs 1, 2, and 3 are required.

1. Vision impairment in accordance with §725 of this Chapter. ~~Impairment—any of the following:~~

~~a. measured corrected visual acuity is 20/70 or less in the better eye, and/or a previous chronic condition has interfered, is interfering, or will interfere with the visual learning mode;~~

~~b. cortical blindness in the presence of normal ocular structure as verified in the report of an ophthalmologist, pediatrician, or pediatric neurologist;~~

~~c. field of vision that subtends an angle of 20 degrees or less in the better eye; or~~

~~d. other blindness resulting from a documented medical condition.~~

2. ~~Deafness~~ Deaf and/or hard of hearing in accordance with §709 of this Chapter.

~~a. Sensorineural hearing loss of 25 decibels (ANSI) or more across the speech frequencies in the better ear with amplification and/or a previous chronic condition that has existed which has interfered, is interfering, or will interfere with the auditory learning mode.~~

3. – D.6. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

HISTORICAL NOTE: Promulgated by the Board of Elementary and Secondary Education, LR 35:905 (May 2009), effective July 1, 2009, amended LR 43:2493 (December 2017), LR 49:

§725. Visual Impairment

A. – A.1. ...

B. Criteria for Eligibility. Evidence of 1 of the criterion listed below ~~in Paragraph 1 and criteria listed in either Paragraphs 2, 3, 4, or 5~~ must be met:

1. visual impairment or loss of vision identified by a functional vision assessment which adversely significantly interferes with the ability to perform academically and which requires the use of specialized textbooks, techniques, materials, or equipment; or and

2. – 4. ...

5. other blindness resulting from a medically documented condition that could include bilateral dysfunction of the optic radiations, the visual cortex, or both, and may coexist with ocular and ocular motor disorders and may include, but not be limited to, the result of trauma or perinatal brain dysfunction.

C. – E.1. ...

2. the educational assessment shall include:

a. a braille skills inventory, commensurate with grade level literacy and math standards in accordance with R.S. 17:24.4(A)(4) including a functional vision assessment (an assessment of the degree to which the student utilizes vision to operate within the educational environment) performed by a certified teacher of the blind or visually impaired or an orientation and mobility specialist;

b. an assessment of the student's reading and writing skills, including a research-based learning media assessment to determine the student's needs in appropriate reading and writing media (including an assessment of the student's future needs for instruction in Braille or the use of Braille and a statement of the student's strengths and needs). For the student who is a non-reader, learning medium assessment would involve systematic examination of how he/she obtains information through visual, tactile, or auditory methods (visually, tactually, and/or auditorally);

3. – 5. ...

6. If necessary, a low vision assessment centered on how the student uses vision on a daily basis to determine if the student would benefit from optical devices, such as monocular telescopes or magnifiers. As appropriate, visual acuity, visual fields, and color vision shall be assessed.

F.

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AUTHORITY NOTE: Promulgated in accordance with R.S. 17:1941 et seq.

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